

## SENATE BILL No. 436

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-51-3-6.

**Synopsis:** Punitive damages. Provides that an attorney who represents the prevailing party in a case in which punitive damages are awarded is entitled to reasonable attorney's fees from the state's share of the punitive damages award. Specifies that an attorney who represents the prevailing party in a case involving punitive damages owes no duty to the state.

**Effective:** July 1, 2003.

---

---

**Clark**

---

---

January 21, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

---

---

C  
o  
p  
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 436

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 34-51-3-6 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Except as  
3       provided in IC 13-25-4-10, when a judgment that includes a punitive  
4       damage award is entered in a civil action, the party against whom the  
5       judgment was entered shall pay the punitive damage award to the clerk  
6       of the court where the action is pending.

7       (b) Upon receiving the payment described in subsection (a), the  
8       clerk of the court shall:

9           (1) pay the person to whom punitive damages were awarded  
10          twenty-five percent (25%) of the punitive damage award; and

11          (2) pay the remaining seventy-five percent (75%) of the punitive  
12          damage award, **less the amount described in subsection (c)**, to  
13          the treasurer of state, who shall deposit the funds into the violent  
14          crime victims compensation fund established by IC 5-2-6.1-40.

15       (c) **An attorney who represents the prevailing party in a case in**  
16       **which punitive damages are awarded is entitled to reasonable**  
17       **attorney's fees from the seventy-five percent (75%) of the punitive**



C  
o  
p  
y

1 damage award that is paid to the treasurer of state as  
2 compensation for work performed in obtaining the state's share of  
3 the punitive damages award.

4 (d) An attorney who represents the prevailing party in a case in  
5 which punitive damages are awarded does not owe a duty to the  
6 state.

C  
o  
p  
y

